

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Peterson, Gary E. Examiner: Pillai, Namitha
Application Number: 10/716,893 Art Unit: 2173
Confirmation Number: 8694
Filing Date: November 18, 2003
Title: INTERACTIVE RISK MANAGEMENT
SYSTEM AND METHOD

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dated: September 25, 2009

Sir:

This Information Disclosure Statement (hereinafter sometimes referred to as "IDS") is submitted in accordance with 37 C.F.R. §§1.97, 1.98, and it is requested that the information set forth in this statement and in the listed documents be considered during the pendency of the above-identified application, and any other application relying on the filing date of the above-identified application or cross-referencing it as a related application.

In compliance with MPEP §2004, paragraph 9, the Examiner's attention is directed to co-pending applications U.S. Application Numbers 10/868,484 and 11/223,468. References cited in these applications and not cited in the present application are listed on the enclosed IDS Form SB08a. In addition, based on the holding in *Dayco Prod., Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 1365-69 (CAFC 2003), the Office Actions in U.S. Application Numbers 10/868,484 and 11/223,468 are listed on the enclosed IDS Form SB08a, and copies are provided with this submission.

1. This IDS should be considered, in accordance with 37 C.F.R. §1.97, as it is filed:

(Check one of the boxes opposite A-E)

☐ A. within three months of the filing date of the above-identified national application, or within three months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in the above-identified international application.

☐ B. before the mailing date of a first office action on the merits.

☒ C. before the mailing of a first Office action after the filing of a request for continued examination (RCE) under §1.114.

☐ D. after the times set forth in (A), (B) and (C) above, but before the mailing date of either a final action under 37 C.F.R. §1.113 or a notice of allowance under 37 C.F.R. §1.311, and the necessary statement pursuant to 37 C.F.R. §1.97(e) appears below (see box "i") or the necessary fee is enclosed (see box "ii" below).

(check one of the boxes opposite "i" or "ii" below)

☐ i. (check the applicable statement)

☐ I. the undersigned, hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

☐ II. the undersigned, hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

☐ ii. An authorization to charge Deposit Account No. 01-0035 for the fee set forth in 37 C.F.R. §1.17(p), presently believed to be \$180.00, is concurrently submitted with the electronic filing of this document.

☐ E. after the times set forth in (A), (B), (C) and (D) above, but before payment of the issue fee, since Applicant petitions for the consideration of this Information Disclosure Statement by a petition enclosed herewith pursuant to 37 C.F.R. §1.97(d)(2), a check for the petition fee set forth in 37 C.F.R. §1.17(i), presently believed to be \$ 130.00, is enclosed, and the necessary statement pursuant to 37 C.F.R. §1.97(e) appears below:

2. In accordance with 37 C.F.R. §1.98(a)(1), this IDS includes a list on form PTO-1449 of all patents, publications, or other information submitted for consideration by the Office, incorporated

into this IDS as an attachment hereto. Pursuant to 37 C.F.R. §1.98(b): (i) each U.S. patent listed is identified by patentee, patent number, and issue date; (ii) each foreign patent or published foreign patent application is identified by the country or patent office which issued the patent or published the application, an appropriate document number, and the publication date indicated on the patent or published application; and (iii) each publication is identified by author (if any), title, relevant pages of the publication, date, and place of publication. A legible copy of each document listed is attached and incorporated into this IDS, except that no copy of any U.S. patent application is included pursuant to 37 C.F.R. §1.98(a)(2)(iii).

3. In accordance with 37 C.F.R. §§1.97(g),1.97(h), the filing of this IDS shall not be construed as a representation that a search has been made or as an admission that information cited in this IDS is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b). Unless otherwise indicated, the date of publication indicated for an item is taken from the face of the item and Applicant reserves the right to prove that the date of publication is in fact different.

4. Please charge any deficiency or other fees or credit any refund or overpayment to Deposit Account No. 01-0035.

Respectfully submitted,

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